

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re

CHAMELEON RADIO CORPORATION

Order to Show Cause Why the  
License of Station KFCC(AM),  
Bay City, Texas Should Not  
Be Revoked

Request for Extension of Special  
Temporary Authority

MM Docket No. 96-173

Before the Hon. Joseph Chachkin  
Administrative Law Judge

CHAMELEON RADIO CORPORATION

EXHIBIT A

STATEMENT OF DON WERLINGER

<u>Federal Communications Commission</u>	
Docket No. <u>96-173</u>	Exhibit No. <u>1</u>
Presented by <u>Applicant / Chameleon</u>	
Disposition	Identified <u>X</u>
	Received <u>X</u>
	Rejected <u>      </u>
Reporter <u>918</u>	
Date <u>2-24-97</u>	

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## STATEMENT OF DON WERLINGER

1. This statement relates to the Commission's "Order to Show Cause, Hearing Designation Order and Notice of Apparent Liability," released August 26, 1996 ("the FCC Order) in re Chameleon Radio Corporation ("Chameleon"), of which I am President.

### A. Chronology

2. On April 16, 1995, the Commission granted consent to the assignment of license of station KFCC(AM), then KIOX(AM), Bay City, Texas, from Landrum Enterprises, Inc. to Chameleon. (BAL-950216EA, FCC notice attached as Appendix 1). Bay City is located in Matagorda County, to the southwest of Harris County in which Houston is located, with Brazoria and Fort Bend Counties in between (map attached as Appendix 2). Bay City is located approximately 50 miles from Houston.

3. On April 21, 1995, Chameleon filed a request for special temporary authorization (STA) to operate from a transmitting location in Harris County (copy attached as Appendix 3). Through inadvertance, this request gave the same identical coordinates for both the existing and proposed sites, in two successive paragraphs (the coordinates were those of the proposed site in Harris County) (Appendix 3 at page 3). In the first paragraph the existing site was described as "near Bay City" and in the next paragraph the proposed site was described as "0.28(km (0.175 miles) east, southeast of intersection of Riceville Road and Cravens Road in rural southwest Harris County." The coverage map in the STA request showed a signal over much of Houston and

the Houston area (Appendix 3 at page 5). The tower site map showed the location in "Harris County" and adjacent to the "Houston Corporate Boundary" (Appendix 3 at page 7).

4. On May 2, 1995, an amendment of the STA request was filed with the Commission, reflecting an existing tower at the proposed location (Appendix 4). The tower site map in that amendment made reference to an existing 180' tower as well as the initial proposed site which was immediately adjacent (Appendix 4 at page 2). The tower site map again showed the location in "Harris County" and adjacent to the "Houston Corporate Boundary" (Appendix 4 at page 2).

5. On May 5, 1995, the Commission granted the STA and on May 12, 1995, the Commission reduced the operating power under the STA, both over the signature of John Vu, Engineer in the Audio Services Division of the Mass Media Bureau (Appendix 5). The STA expiration date was August 1, 1995.

6. On May 18, 1995, the Commission rescinded the STA for failure to cover Bay City with a city-grade signal, over the signature of Mr. Vu (Appendix 6).

7. I traveled to Washington and met with Mr. Vu, James R. Burtle, Chief of the AM Branch of the Audio Services Division, and Larry D. Eads, Chief of the Audio Services Division, who stayed the effectiveness of the rescission order on May 25, 1995 (Appendix 7).

8. During the period from May 18 to May 25, 1995, station KFCC(AM) continued operating at Harris County STA site.

9. On July 25, 1995, the Commission issued a Letter of Inquiry concerning the matter, over the signature of Mr. Eads ("Inquiry Letter") (Appendix 8).

10. On August 1, 1995, Chameleon filed a request for extension of the STA (Appendix 9).

11. On August 4, 1995, Chameleon filed FCC Form 301 requesting a permanent license for operation of KFCC(AM) from the Harris County site and for a change in the community of license to Missouri City, Texas (BP-950804AC) (attached as Appendix 10 excluding bulky engineering exhibits).

12. On August 4, 1995, Chameleon filed a 19-page single-spaced response to the Inquiry Letter ("Chameleon's Response") (attached as Appendix 11), along with copies of closing documents in the acquisition of KFCC(AM).

13. On August 11, 1995, the STA was first terminated as expired. On the same day, Chameleon sent to the Commission via telecopier a copy of the request for extension of the STA and a copy of the 19-page response, each bearing an FCC date stamp of August 4, 1995. Still on the same day, over the signature of Mr. Eads, the Commission reinstated the STA in light of the request for extension and Chameleon's Response to the Inquiry Letter (Appendix 12).

14. On September 6, 1995, the FCC Form 301 application was accepted for filing, bearing a cut-off date 30 days thereafter (Appendix 13).

15. On September 8, 1995, the STA extension was denied by

letter over the signature of Stuart B. Bedell for Mr. Eads (Appendix 14).

16. I again traveled to Washington and met Roy Stewart, Chief of the Mass Media Bureau, asking that the extension be granted.

17. On September 22, 1995, I submitted a letter to Mr. Stewart formally requesting reconsideration of the September 8, 1995 letter; I submitted a further letter to Mr. Stewart on September 29, 1995 (Appendix 15).

18. On October 6, 1995, a notice of appeal and motion for stay of the Commission's September 8, 1995 letter were filed in the Court of Appeals (the motion for stay was never acted upon; following reinstatement of the STA, the appeal was dismissed).

19. On October 11, 1995, the September 8th denial of extension of the STA was stayed pending Commission review of the case, by letter over the signature of Linda Blair, Acting Chief of the Audio Services Division (Mr. Eads having retired) (Appendix 16).

20. On November 2, 1995, a Petition for Review addressed to the full Commission was filed by Chameleon. This was opposed by the licensee of station KWHI(AM), Brenham, Texas, which also opposed Chameleon's FCC Form 301 application for permanent operation at the Harris County site, albeit after the cut-off date for opposing the FCC Form 301 application.

21. On August 26, 1996, the FCC Order initiating this proceeding was issued.



## B.

Hearing issue one

22. The issue reads: "To determine whether Chameleon Radio Corporation misrepresented or lacked candor to the Commission regarding the status of its licensed broadcast facility at Bay City, Texas, when requesting Special Temporary Authority on April 21, 1965."

23. In the STA request, I stated that the request was "Due to the loss of [Chameleon's] currently licensed site..." (Appendix 3 at page 3). The loss of the site was not caused by condemnation or similar event. It was caused by contractual obligations incurred by Chameleon in negotiating an agreement for the purchase of the radio station.

24. The station was bought from Landrum Enterprises, Inc., which owned a co-located FM station with joint studios, offices and other operating facilities on land that also was the site of the three-tower AM array. The land was owned by a third party, who had leased it to Landrum Enterprises, Inc. As a part of the transaction, Landrum Enterprises, Inc. assigned its lease rights for the property to Chameleon and then took a back a sublease of the property from Chameleon in order to continue to operate its FM station there.

25. The Agreement of Purchase and Sale of Assets filed with the Commission (attached as Appendix 17) provided for the sublease back to Landrum Enterprises, Inc., page 17, ¶7.1(b)(viii). A copy of the original lease from the landowner to the station licensee in 1988 is attached as Appendix 18. A

copy of the assignment of that lease from Landrum Enterprises, Inc. to Chameleon is attached as Appendix 19. A copy of the sublease from Chameleon back to Landrum Enterprises, Inc. is attached as Appendix 20. These documents were furnished to the Commission in Chameleon's Response (previously attached as Appendix 11).

26. The premises in the original lease, assigned to Chameleon, are the same premises in the sublease by Chameleon back to Landrum Enterprises, Inc. The sublease back to Landrum Enterprises, Inc. (and its successors) was for a three-year period with options to renew for addition periods aggregating 18 years. The sublease made no provision for Chameleon to retain access rights to the property for its AM station. While there is a reference to retaining access to a microwave facility and receiving dish having nothing to do with the AM station, there is no provision for access to the three AM towers or to quarters in the building for operation of the AM station (Appendix 17 at page 1, §I).

27. Under these circumstances, my reference to the "loss" of the AM transmitter site was intended to mean Chameleon's legal contractual obligations precluding access to the site. With the 20-20 vision of hindsight, I should have made this clear or else omitted the subject of the availability of the site altogether. I did not intend to mislead or deceive the Commission on this score:

(a) The contractual obligation and leaseback commitment was

disclosed to the FCC in the sale and purchase agreement when the assignment application was submitted for approval, and the STA request was filed on April 21, 1995, only eight days after FCC action on April 13, 1995 approving the assignment.

(b) On the face of the STA request, Chameleon disclosed the correct coordinates of the proposed site in Harris County, together with a site map showing the location to be some 50 miles from Bay City in Harris County near the Houston city limits and a coverage map showing a signal over much of Houston and the Houston area. Such a change in the transmitting location, while consistent with the loss of the Bay City site under the contractual arrangements, would not have been consistent with a condemnation or other similar event requiring relocation within the Bay City area.

(c) I could well have left the subject (of availability or unavailability of the existing site) alone. In my past experience with the FCC, the loss of an existing site had not been a prerequisite for an STA request. In October 1993, on behalf of a client of my technical consulting business, I had filed, and the FCC had granted, an STA request without referring to the loss of the transmitter site, or without giving any other explanation, while asking permission to move the transmitting location from a site in or near one community (Mineola, Texas) to a site in or near an entirely separate, distant community (Canton, Texas) under circumstances that parallel Chameleon's STA request (documents from FCC files regarding the Canton, Texas,

STA are attached in Appendix 21).

(d) Attached to Chameleon's Petition for Review filed November 2, 1995 addressed to the full Commission, also submitted in support of the motion for stay filed in the Court of Appeals on October 6, 1995, was my affidavit containing a series of related paragraphs that first refer to the contractual leaseback obligation and then convey the thought that because of it, Chameleon did not have use of the site, had thus lost the site, and the site loss thus was involuntary (Appendix 22 at page 1, ¶¶2-4). My use of the word "involuntary" in this context intended no misconception that anything more was involved than the legal obligation under the contract which had been consummated and acted upon by all parties.

(e) By this point in time, I had filed Chameleon's Response dated August 4, 1995 to the Inquiry Letter explaining in detail Chameleon's strategy from the outset to purchase the AM station for the purpose of moving it to the Houston area (Appendix 11 at pages 4, 6, 8-9).

(f) Commencing in May 1995 and on occasions in the Summer and Fall of 1995, I had also discussed that strategy openly in visits in Washington with members of the Commission's processing staff including Messrs. Vu, Burtle, Eads and Stewart, as well as in telephone conversations with the staff, in lobbying for continuation of the STA until the FCC Form 301 could be filed and processed.

(g) While I did not consult a dictionary at the time I

prepared the STA request filed April 21, 1995, my use of the word "loss" in the sense described above was accepted useage of the word. Webster's II, New Riverside Dictionary, Berkley Books, 1984 (Appendix 23) indicates that the word "loss" denotes the "damage or suffering" from "losing" (#1 in the definitions). The dictionary then defines the words "lose" or "losing" as denoting the concept of "failure to keep" (#2 in the definitions) no less than the concept of "being deprived of" (#3 in the definitions). The dictionary defines the word "lost" as "not won or used" (#2 in the definitions) and "no longer practiced or possessed: gone" (#3 in the definitions).

28. I wish to respond to Mr. Landrum's affidavit, referred to in the FCC Order, to the effect that his company's sublease of the premises was not a bar to co-use of the site by Chameleon for its AM operations. In order to comply with the FCC order and resume transmission from the Bay City site, Chameleon has in fact re-entered the property, over the objection of the current FM station owner who is occupying the property. Mr. Landrum's company no longer is the tenant, having sold the FM station and assigned its leasehold rights to Gaujillo Investments, L.L.C. ("Gaugillo"). Gaujillo, the new tenant, does not agree with Mr. Landrum's interpretation of the lease, to put it mildly, as shown in the letter dated September 11, 1996 from Gaujillo's President, Mr. Kirk (attached as Appendix 24).

29. Mr. Kirk's unhappiness over the return of Chameleon notwithstanding his company's rights to sole occupancy of the

premises is understandable. The Bay City building is 49 years old. It was in need of much repair when his company took possession. Mr. Kirk has spent substantial money on the property with the stated intent of remaining there until his retirement. The AM tower array is only 250 feet behind the studio building. Mr. Kirk has made it clear that he wants the towers removed. In fact, he says he would not have bought the FM radio station if he thought Chameleon would ever attempt to use the AM towers.

30. The close proximity of the three-tower array to the studio produces a daily source of potential RF contamination which is a constant nuisance. It was apparently tolerated by Mr. Landrum since he operated both stations under these circumstances over an extended period of time. But his successor purchased the FM station in reliance on the committed departure from the premises by the AM station. Mr. Landrum's declaration to the Commission regarding continued co-habitation of the AM and FM operations is contrary to the text of the sublease, the understanding of his successor in interest as the present tenant under the sublease, and Chameleon's understanding as the lessor under the sublease to Landrum Enterprises, Inc. and all successors in interest potentially over a period of 18 years.

C.

Hearing issue two

31. The issue reads: "To determine whether Chameleon Radio Corporation lacked candor to the Commission regarding the construction of a tower at the Harris County Site, when filing its amended request for Special Temporary Authority on May 2,

1995."

32. At the time the initial STA request was filed on April 21, 1995, there was no existing tower at the location of the proposed STA site. The FCC staff advised me that an STA would be granted only if there were an existing tower. Chameleon was instrumental in making arrangements for construction of a 180 foot tower by a party, Joe McClish, who did that as a part of his business and with whom I had dealt before.<sup>1</sup> The tower complied with zoning and FAA requirements. After the tower was erected and before Chameleon made any effort to install its broadcast equipment or use it, I prepared and Chameleon filed the amended STA request to report the existence of the tower, and the STA was granted.

33. Again with the 20-20 vision of hindsight, the interests of Chameleon might better have been served if I had been explicit about the circumstances of the amended STA reporting the existence of a tower. However, I did not (and do not) think that Chameleon did anything wrong or anything that needed to be disclosed, and I did not intend to mislead or deceive the Commission:

(a) Prior to filing the initial STA request for KFCC(AM) on

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<sup>1</sup> Chameleon did not provide the funds to Mr. McClish for the construction of this tower. However, Mr. McClish was indebted to me in a previous transaction and funded the tower construction in the approximate amount of \$5,000 in reduction of that indebtedness. He was familiar with the tower rental business and was willing to construct the tower, without any commitment from Chameleon to use it if FCC approval were not obtained, at his own risk.

April 21, 1995, I was not aware of any Commission requirement that there must be an existing tower in order to grant an STA request. My experience in the Canton, Texas, STA request was to the contrary. The STA was granted there for a location which required the construction of a new tower. My experience in other STA requests which I had prepared in dealing with Mr. Vu's predecessor on the AM engineering staff, May Bradfield, or of which I had knowledge, was the same as in Canton, i.e., no existing tower was required.

(b) I was attempting to follow new and unexpected guidelines regarding the prerequisites for an STA. It seemed to me that, if in the past an STA could be obtained where a new tower needed to be constructed after the STA was issued, there was no reason why a tower could not be constructed before the STA is issued, followed by installation of the broadcast facilities only after receipt of the STA and reflecting its terms and conditions.

(c) For any tower per se, it was (and is) my understanding that while zoning, FAA, environmental and perhaps other requirements may come into play, FCC has no interest in a tower unless a "communications" use is to be made of the tower, and then its approval is required before that communications use may take place.

(d) I did not (and do not) believe that there was any "premature construction." Chameleon did not install its proposed antenna or other related gear for broadcasting a signal from the



tower until after the STA had been granted and such installation was authorized.

(e) I did not (and do not) believe that construction of the tower for which an STA was requested had any adverse impact on the FCC's permanent licensing regulatory program, which appears to be a concern expressed in the FCC Order. A change in that program is initiated by the filing of FCC Form 301 with attendant public notice and protest rights under the Communications Act. In my experience, STA's can be and usually are issued without public notice and have no impact on the permanent licensing process. Chameleon initiated the permanent licensing process on August 4, 1995 by filing FCC Form 301 for a directional array involving four towers at the STA site and change in community of license (BP-950804AC) (copy previously attached as Appendix 10).

D.

Unanswered questions

34. The FCC Order at ¶17 lists four questions concerning which Chameleon allegedly did not supply answers posed in the Commission's Inquiry Letter. I am the author of Chameleon's Response, which is a 19-page single-spaced letter in which I openly discussed the activities and strategies of Chameleon in this matter (Appendix 11). In this 19-page single-spaced discourse on the business of Chameleon, while I did not directly give complete answers to all of the questions, the essence of what Chameleon had done was clear and there was no attempt to hide any information from the Commission:

(a) With regard to the question asking for a description of

the circumstances under which Chameleon "lost" the Bay City Site and the date that the "loss" occurred: Answer: The loss occurred at the time of consummation of the acquisition of KFCC(AM) following FCC approval upon execution of the sublease of the premises back to Landrum Enterprises, Inc and its successors potentially for a period of 18 years. Explanation: Chameleon's Response explained in detail the origin of the idea from the very outset to purchase the AM station in order to move it near Houston, and furnished a copy of the sublease, which was the basis for the loss of the site. In meetings with Mr. Eads before the date of Chameleon's Response (August 4, 1995) and with Mr. Stewart thereafter, I advised them of the leaseback of the property to the FM operator, Chameleon's intention to move the station to the Houston area from the beginning, and the STA operations at the Harris County site. Subsequent to Chameleon's Response, in the Petition for Review by the full Commission, my affidavit identified the sublease as the basis for losing the transmitter site (Appendix 22).

(b) With regard to the question asking for description of Chameleon's present legal right of access to the Bay City Site in view of the sublease given to Landrum Enterprises, Inc.: Answer: The sublease, supplied with Chameleon's Response does not provide to Chameleon the legal right to use the premises. Explanation: A "reverse" sublease back to Chameleon from Landrum Enterprises, Inc. and its successors would have been required for that purpose. The terms under which that could be done were not known

and had never been negotiated. In light of the repeated disclosures of the intent from the outset to move close to Houston in Chameleon's Response and in conversations with the staff, and in light of the filing of the sublease itself, it did not occur to me to speculate on Chameleon's legal rights to co-habit the Bay City property with Landrum Enterprises, Inc. or its successors.

(c) With regard to the question asking for a description of the present status of the KFCC(AM) transmission facility at the Bay City Site, and if the status has changed, the date of any such change and all details concerning the nature and extent of that change: Answer: Towers and certain equipment (but not the transmitter and certain audio processing equipment) remained on the licensed premises at all times. The transmitter and related equipment were moved to the Harris County location on the evening of May 5, 1995, and were installed after issuance of the STA.

Explanation: While Chameleon's Response did not provide these details, there was no deception or undisclosed secret about what had taken place. The facilities at both the Bay City site and the Harris County site were inspected by FCC field personnel. From Chameleon's Response as well as personal conferences in Washington and telephone conversations, the staff knew that KFCC(AM) was operating with a transmitter located at the STA site in Harris County and was not operating a transmitter located at the Bay City site. The staff also was told of the position of Chameleon that it would be impossible for financial reasons to

operate with the Bay City facilities as a stand-alone AM station.

(d) With regard to the question asking for the present address of the KFCC(AM) main studio: Answer: The address of the main studio was 10865 Rockley Road, Houston, Texas 77099.

Explanation: This was well known to the Commission's staff and to repeat the information in Chameleon's Response would have been redundant. The studio at the Harris County STA site on Rockley Road was inspected by FCC field personnel. Washington staff personnel called representatives of Chameleon at their telephone numbers in the offices on Rockley Road, which had a different area code than the Bay City area code. Correspondence from Chameleon to the FCC, including Chameleon's Response itself (Appendix 11), was on letterhead from the Rockley Road address identifying KFCC(AM) as "Houston's Unique Talk and International Language Station."

E.  
Biographical information

35. Since 1980, I have prepared engineering studies and reports which have resulted in more than 30 new AM and FM allocations and grants in Texas, Louisiana, Arkansas, Oklahoma, Nebraska, New Mexico and California.

36. During my 26-year broadcasting career in which I have had operating responsibilities at more than ten radio stations, only once did a field inspection result in a notice of violation being presented to an operation controlled by me, i.e., that referred to in the FCC Order (§13, footnote 19).

F.  
Rule violations

37. Chameleon concedes two rule violations. First, with the STA facilities it no longer covered the community of license with the requisite signal strength. Second, during two periods of time following rescission of the STA and while waiting for restoration of the STA as was requested and granted, Chameleon continued to operate under the STA rather than shutting the station down. Chameleon did not mislead or deceive the Commission with regard to either of these rule violations.

38. No longer placing the requisite signal strength over the community of Bay City. The initial request for STA showed that the proposed STA site was in Harris County and would provide a signal over a substantial part of the Houston area. Houston is located some distance from Bay City, and it was obvious that from the STA site and given the Houston area coverage shown in the STA request, Bay City would no longer be served with a city grade signal, i.e., 5.0 mv/m.

39. I have provided copies of documents from the Commission's files relative to the STA which I prepared in October 1993 and filed to change the transmitter location of KVCJ(AM) from Mineola, Texas, to Canton, Texas (Appendix 21). This STA grant required a move of 36 kilometers and changed the station's service area from one serving Mineola to one serving Canton, similar to the move and change of service area of KFCC(AM) from Bay City, Texas, to Harris County, Texas. In fact, in the KFCC(AM) move toward Houston, a greater residual signal

was provided to Bay City than the residual signal to Mineola provided in the KVCJ(AM) move to Canton, for which the STA was granted and has remained in full force and effect.

40. There were other similarities between the Canton and Harris County STA requests as well. As indicated earlier, the STA site in Canton did not contain an existing tower, just like the STA site in Harris County in the initial STA request filed here.

41. Subsequent to the grant of the Canton STA request, an FCC Form 301 was filed for permanent operation from facilities there, just as an FCC Form 301 was filed seeking permanent operation subsequent to the STA grant to KFCC(AM) in this case.

42. The STA request in Canton involved loss of the licensee's site due to a contractual obligation as part of the purchase of the radio station. As in the KFCC(AM) situation, the KVCJ(AM) transmission facilities had been co-located with a co-owned FM station. When Canton Broadcasting, Inc. purchased the AM station, it waived its rights to the old facility. To my knowledge, the tower and ground system of KVCJ(AM)'s old site in Mineola remains there today.

43. I was aware that the Commission's staff had granted the Canton STA, and routinely renewed the term of that STA (now, at least eight times, including a renewal dated June 20, 1996), awaiting processing of the FCC Form 301 for permanent licensed facilities at the STA site. In good faith, I expected the same treatment of the KFCC(AM) STA request and FCC Form 301.

44. The periods of time when KFCC(AM) failed to provide the requisite signal over Bay City, without Commission permission, were from commencement of STA operations on May 8, 1995 until stay of rescission of the STA on May 25, 1995 and from denial of extension of the STA on September 8, 1995 until stay of that action on October 11, 1995.

45. Operation under the STA after two rescissions while a request for reinstatement was considered and granted. Although the rule violations occurred, there was no deception of the Commission. KFCC(AM) continued operations at a time when the STA had been suspended on two occasions, for approximately 8 days from May 18 to May 25, 1995 and for approximately 33 days from September 8 to October 11, 1995. Immediately following each of the two rescissions, I traveled to Washington to personally argue for the reinstatement at the FCC, telling the staff that the station remained on the air. Following that disclosure, the reinstatement requests were granted on both occasions.

G.

Public interest served by STA operations and permanent license applied for by Chameleon

46. The FCC Order indicates that the pending FCC Form 301 application for permanent license is subject to the Show Cause Order why that application should not be denied.

47. The public interest considerations which motivated Chameleon to seek and pursue the Harris County STA to the point of brief periods of continued operation while two STA rescissions were being countermanded, are also public interest considerations

which support the grant of a permanent license. KFCC(AM) is one of four radio stations in the Bay City, Texas market. This is a declining town of about 18,000 people (1990 U.S. Census, a reduction from the 1980 U.S. Census population). The other three stations are FM facilities. All of them are the high-powered Class C facilities. The AM station is a low-powered one kilowatt station. Before it was purchased by Chameleon, KFCC(AM) did not provide its own programming service; rather it simulcast the audio portion of the cable television CNN Headline News around the clock.

48. In my opinion, then and now, KFCC(AM), cannot possibly survive as a stand-alone facility in competition with three strong FM stations in such a small radio market. By moving KFCC(AM) to the STA site for which permanent licensing is sought, Chameleon served an audience for a programming format which, while not attractive to any of the other radio stations there, provides unique programming for some 20 different nationalities.

49. An AM station threatened with extinction, which was being simulcast by the previous owner and cannot survive as a stand-alone AM station in a small market with three major FM stations, would be licensed to a larger and growing community having no radio stations, i.e., Missouri City, Texas, population approximately 36,000 (U.S. Census), where it can survive as a stand-alone AM station, providing a unique program service not otherwise available to a population aggregating in the hundreds of thousands in the Houston area.



50. From an engineering point of view, the public interest would also be served. KFCC(AM), operating from the site near Bay City is the subject of mutual interference with one other radio station, KWHI(AM), because the spacing of their respective transmitting locations dated back to an earlier time period when shorter spacings were permitted, and the spacing was "grandfathered" when the current rules were adopted. While the licensee of KWHI(AM) filed an untimely objection to Chameleon's FCC Form 301 application, KFCC(AM), operating from the site in Harris County, will eliminate approximately 90% of the KWHI-KFCC interference areas that were grandfathered.

51. To provide some idea of the type and meaning of KFCC's programming service that was provided in the STA operation and would be provided if the embargoed FCC Form 301 application is processed and granted, Appendix 25 is a chart of 19 nationality groups on the air, occupying 24 hours a day, seven days a week, at about the time of termination of STA operations at the Harris County site in early September 1996. Appendix 26 is a letter from the producer of "Radio Kafe," providing Spanish programming of interest to persons from Central and South America. Appendix 27 consists of supporting letters from Cross-Cultural Network (Radio Program in Russian), Radio South Asia, Radio Recovery (English language regarding alcohol, drugs and other recovery groups), The Spiritual Assembly of the Baha'is of Houston, Aquiel Salvador, Voice of Sanatan Hinduism, God's Romany Christian Church, the producer of Sunday Morning Live, Hindu University of